

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

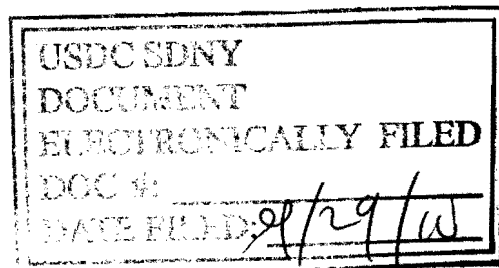
IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION

THIS DOCUMENT RELATES TO *Frank  
Malone v. City of New York*, 05 CV 4111 and  
ALL CASES INVOLVING NEW YORK CITY  
FIREFIGHTERS AND FIRE OFFICERS

21 MC 100 (AKH)

**NOTICE OF PLAINTIFFS' MOTION FOR SANCTIONS PURSUANT TO FRCP  
37 FOR THE CITY OF NEW YORK'S ADMITTED SUPPRESSION OF  
EVIDENCE FOR SIX YEARS**

Upon the annexed certification of Andrew J. Carboy, an attorney, dated February 16, 2010 and the exhibits annexed thereto, Plaintiffs will move this Court, the Honorable Alvin K. Hellerstein, United States District Judge, presiding, Room 14D, United States District Court, Southern District of New York, 500 Pearl Street, New York, New York 10007, at a date and time to be determined, for an order, pursuant to Rule 37 of the Federal Rules of Civil Procedure for a sanctions hearing concerning the unjustified, unilateral and admitted willful suppression by the City of New York of relevant evidence: the written Respiratory Protection Program of the Fire Department of New York. The Plaintiffs also request that the answer of the City be stricken

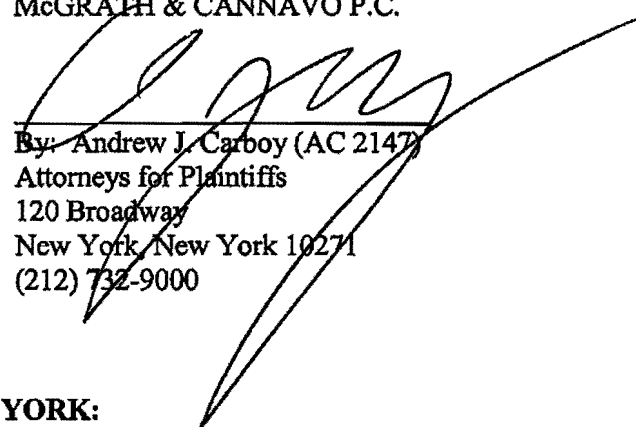


in all 21 MC 100 cases involving members of the FDNY.

Dated: New York, New York  
February 16, 2010

Respectfully submitted,

SULLIVAN PAPAIN BLOCK  
McGRATH & CANNAVO P.C.



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